

Remarks

Claims 1-8 were pending in this application. Claim 7 has been cancelled and new claim 9 added. Claims 1, 2, 5 and 6 have been amended. In an Office Action dated January 2, 2003, the Examiner rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 1-8 under 35 U.S.C. § 101 as non-statutory subject matter. The Examiner rejected claims 1-8 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,424,949 to Deaton *et al.*, or U.S. Patent Application No. 2002/0073019 to Deaton. The Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Nos. 6,145,738 and 6,045,039 to Stinson *et al.* or by U.S. Patent No. 6,464,134 to Page. The Examiner rejected claims 1, 2, 5, 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 4,187,498 or 4,109,238 to Creekmore. Applicants disagree with the Examiner's rejections.

Rejections Under 35 U.S.C. § 112

Claims 1-7 were rejected under § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention." Claims 1, 2, 5 and 6 have been amended to improve the clarity of these claims.

The Examiner provided arguments concerning claim 8, but did not indicate that claim 8 was rejected under § 112. Applicants disagree with the Examiner's arguments.

The Examiner first argues that the phrase "for each" is not clear. Claim 8 is reproduced as follows, with emphasis added:

8. A method of check cashing comprising:
establishing a cash limit for a check writer for *at least one time period*;
receiving a request to cash a check written for a specified amount and written by the check writer;
for each of the at least one time period, determining a total amount of cash from check writer checks cashed during an immediately preceding time equal to *the time period*; and
approving the request if, *for each of the at least one time period*, the total amount of cash from check writer checks cashed plus the specified amount is less than the cash limit for *the time period*.

The claim applies to *at least one time period*. This means one or more, singular or plural. *For each of the at least one time period* unquestionably means that, if there is only one period, the element applies to that period. If there is more than one time period, that element applies to each of these periods. Such language is ubiquitous in patent claims. Further, within an element, the language “the time period” clearly refers to the “for each of the at least one time period” which precedes it.

Rejections Under 35 U.S.C. § 101

Claims 1-8 were rejected under § 101 as “directed to non-statutory subject matter.” The Supreme Court has construed §101 broadly, noting that Congress intended statutory subject matter to “include anything under the sun that is made by man.” See Diamond v. Chakrabarty, 447 U.S. 303, 309 (1980). However, the Court has identified three categories of unpatentable subject matter: laws of nature, natural phenomena, and abstract ideas. See Diamond v. Diehr, 450 U.S. 175, 185 (1981). The subject matter of this application is neither a law of nature nor a natural phenomena. Moreover, the Court of Appeals for the Federal Circuit has specified that “abstract ideas constituting disembodied concepts or truths are not useful” and “that to be patentable an algorithm must be applied in a useful way.” State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F.3d 1368, 1373 (Fed. Cir. 1998); see also AT&T Corp. v. Excel Communications, Inc. et al., 172 F.3d 1352 (Fed. Cir. 1999). It is beyond doubt that the subject matter of Applicants’ invention is not an abstract idea constituting disembodied concepts or truths. Further, it is clear that whatever algorithm may be included in Applicants’ invention, such an algorithm is applied in a useful way. As the methods and system claimed in this application have practical utility, they are encompassed in the §101 definition of statutory subject matter. See State Street Bank & Trust Co., 149 F.3d at 1375.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-8 under 35 U.S.C. § 102(a) as being clearly anticipated by Deaton *et al.*, U.S. Patent No. 6,424,949, or Deaton, U.S. Patent Application No. 2002/0073019. The Examiner also rejected claims 1 and 8 under 35 U.S.C. § 102(a) as being clearly anticipated by Stinson *et al.*, U.S. Patent No. 6,145,738 or 6,045,039, or Page,

U.S. Patent No. 6,464,134. The Examiner also rejected claims 1, 2, 5, 7 and 8 under 35 U.S.C. § 102(b) as being clearly anticipated by Creekmore, U.S. Patent No. 4,187,498 or 4,109,238. Applicants respectfully disagree with these rejections.

Claim 1, as amended, provides a method of approving a money limit of check cashing for a time period during which a check writer may cash checks up to the limit. Historical check writing information is stored for a plurality of check writers. Identification information to access respective check writing information of the check writer is received. The respective check writing information is processed to determine a score for the check writer presenting a check based on the respective check writing information. The check writer is classified in a pre-determined category based on the score. The money limit is determined over the time period during which the check writer may cash checks up to the money limit based on the category in which the check writer is classified. With regard to the references listed by the Examiner, none appear to teach or fairly suggest determining a money limit based on classification as provided by Applicants.

Claim 8 provides a method of check cashing. A cash limit is established for a check writer for at least one time period. A request to cash a check written for a specified amount and written by the check writer is received. For each of the at least one time period, a total amount of cash from check writer checks cashed during an immediately preceding time equal to the time period is determined. The request is approved if, for each of the at least one time period, the total amount of cash from check writer checks cashed plus the specified amount is less than the cash limit for the time period. With regard to the references listed by the Examiner, none appear to teach or fairly suggest approving a request if, for each of at least one time period, the total amount of cash from check writer checks cashed plus an amount specified on a received check is less than a cash limit for the time period.

Claim 9 provides a method of check cashing. For each time period in a plurality of time periods, a cash limit for a check writer is established. A request to cash a check written for a specified amount and written by the check writer is received. A total amount of cash from check writer checks cashed during an immediately preceding time equal to the time period is determined. The request is approved if the total amount of cash from check writer checks cashed plus the specified amount is less than the cash limit. With regard to the references listed by the Examiner, none appear to teach or fairly suggest approving a request if the total amount

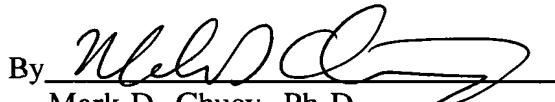
of checks cashed plus a specified amount received on a check cash request is less than a cash limit established for each of a plurality of time periods.

Applicants believe claims 1-6, 8 and 9 meet all substantive requirements for patentability. Applicants therefore respectfully request allowance of this application. No fee is believed to be due by filing this paper. However, any fee due may be withdrawn from Deposit Account No. 02-3978 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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Attachment

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1 1. (Amended) A method of approving a money limit of check cashing
2 for a time period during which a check writer may cash checks up to the limit, the
3 check writer one of a plurality of check writers, the method comprising:

4 storing historical check writing information for the [a] plurality of
5 check writers;

6 receiving identification information to access respective check writing
7 information of the check writer;

8 processing the respective check writing information to determine a
9 score for the check writer presenting a check based on the respective check writing
10 information;

11 classifying the check writer in a pre-determined category based on the
12 score; and

13 determining the money limit over the time period during which the
14 check writer may cash checks up to the money limit based on the category in which
15 the check writer is classified.

1 2. (Amended) The method of claim 1 further comprising:
2 declining [the] approval of the check writer to cash checks for the time
3 period if the check writer is classified in one category; and

4 approving the check writer to cash checks for the limit over the time
5 period if the check writer is classified in another category.

1 5. (Amended) The method of claim 1 further comprising:
2 storing the determined money limit and a remaining limit for the time
3 period, the remaining limit being equal to the determined money limit minus the
4 amount of cashed checks by the check writer during the time period;

5 determining whether the check writer has any outstanding returned
6 checks; and

7 declining the check writer[,] if the check writer has any outstanding
8 returned checks[; and

9 determining whether the received identification information is within
10 a the predetermined time during which the remaining limit is stored if the check writer
11 has no outstanding returned checks].

1 6. (Amended) The method of claim 5 further comprising:
2 receiving a transaction amount[,] if the received identification
3 information is within a [the] predetermined time, the transaction amount being an
4 amount for check cashing;

5 comparing the transaction amount with the remaining limit;
6 determining whether the remaining limit is zero, if the transaction
7 amount is greater than the remaining limit;

8 declining the check writer, if the remaining limit is zero; and
9 approving the check writer with the remaining limit, if the remaining
10 limit is not zero or if the transaction amount is less than or equal to the remaining
11 limit.